

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA
- v. -

TEVIN MIZELL,
a/k/a "Tev Gunz,"
KEVIN MIZELL,
a/k/a "Kev Gunz,"
EDWIN SMITH,
a/k/a "Ed Black,"
JOSHUA FLADGER,
a/k/a "Millz,"
RICHARD SHACKLEFORD,
a/k/a "Sha,"
AMAR TAYLOR,
a/k/a "Capo MMG,"
RONATHAN FLADGER,
a/k/a "Jeezy,"
NOEL BIDO,
a/k/a "Bigga,"
HENNISON CURRY,
a/k/a "Henny,"
JOSEPH OTERO,
a/k/a "Triple-H,"
SHAWN ARNOLD MCFADDEN,
a/k/a "Weezy,"
DEQUAN BROWN,
a/k/a "Dada,"
TYRE DAVIS,
a/k/a "Tye,"
KAYMAR FRANCIS,
a/k/a "Kayo,"
JOSEPH HUNTLEY,
a/k/a "Goonie,"
ODANIS OZUNA,
a/k/a "Jose Ozoria,"
a/k/a "O,"
JAMES ANDERSON,
MARK GRAYSON,
a/k/a "Biscuit,"
MICHAEL JAMES,
MALIK MCCOLLUM,
a/k/a "Dot,"
ROBERT WANNAMAKER,

SEALED
INDICTMENT

14 Cr. ____ (____)

14 CRIM212

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: APR 02 2014

EDWARD BINYARD,	:
a/k/a "E,"	:
a/k/a "E-Wreck,"	:
TAYVON KILPATRICK,	:
a/k/a "Trayvon Wilson,"	:
NICHOLAS ROSARIO,	:
a/k/a "Nico Gunz,"	:
	:
Defendants.	:
	:
- - - - -	x

COUNT ONE

RACKETEERING CONSPIRACY

The Grand Jury charges:

THE ENTERPRISE

1. At all times relevant to this Indictment, TEVIN MIZELL, a/k/a "Tev Gunz," KEVIN MIZELL, a/k/a "Kev Gunz," EDWIN SMITH, a/k/a "Ed Black," JOSHUA FLADGER, a/k/a "Millz," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," KAYMAR FRANCIS, a/k/a "Kayo," JOSEPH HUNTLEY, a/k/a "Goonie," ODANIS OZUNA, a/k/a "Jose Ozoria," a/k/a "O," JAMES ANDERSON, MARK GRAYSON, a/k/a "Biscuit," MICHAEL JAMES, MALIK MCCOLLUM, a/k/a "Dot," ROBERT WANNAMAKER, EDWARD BINYARD, a/k/a "E," a/k/a "E-Wreck," TAYVON KILPATRICK, a/k/a "Trayvon Wilson," NICHOLAS ROSARIO, a/k/a "Nico Gunz," the defendants, and others known and unknown, were

members and associates of the Murda Moore Gangstas gang ("MMG" or the "Enterprise"), a criminal organization whose members and associates engaged in, among other things, narcotics trafficking, robbery, and attempted murder. MMG operated principally in and around the Moore Housing Project, or Moore Houses, in the Bronx, New York.

2. MMG, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, although not a legal entity. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. At all times relevant to this Indictment, the Enterprise has engaged in, and its activities affected, interstate and foreign commerce. The defendants participated in the operation and management of the Enterprise, and participated in unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

3. TEVIN MIZELL, a/k/a "Tev Gunz," KEVIN MIZELL, a/k/a "Kev Gunz," EDWIN SMITH, a/k/a "Ed Black," and JOSHUA FLADGER, a/k/a "Millz," the defendants, among others, were founders and leaders of the Enterprise since in or around 2006. In later years, other MMG members, including RICHARD SHACKLEFORD, a/k/a "Sha," and AMAR TAYLOR, a/k/a "Capo MMG," the defendants, also

grew into leadership roles within the Enterprise, working with other members of the Enterprise in carrying out unlawful and other activities in furtherance of the conduct of the Enterprise's affairs.

PURPOSES OF THE ENTERPRISE

4. The purposes of the Enterprise included the following:

a. Preserving and protecting the power of the Enterprise and its members and associates through attempted murder, other acts of violence, and threats of violence.

b. Promoting and enhancing the Enterprise and the activities of its members and associates.

c. Enriching the members and associates of the Enterprise through, among other things, the distribution of narcotics, including cocaine base, marijuana, and 3-4-Methylenedioxymethamphetamine (MDMA), also known as "ecstasy."

d. Enriching the members and associates of the Enterprise through the robbery of rival drugs dealers and other individuals within the territory controlled by MMG members.

MEANS AND METHODS OF THE ENTERPRISE

5. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the enterprise committed, conspired to commit, and attempted to commit acts of

violence, including murder, to protect and expand the Enterprise's criminal operations, and in connection with rivalries with members of other Bronx street gangs, such as gangs from the following areas: (1) the Betances Houses (the "Lookin' Real Good," or "LRG," gang); (2) the Riverpark Towers Houses (the "RPT" gang); (3) Millbrook Housing Project (the "Killbrook Up" and "Killbrook Down" gangs); and (4) Highbridge Gardens Houses (the "Young Flybridge" gang).

b. Members and associates of the Enterprise used physical violence and threats of violence, including attempted murder, against others, including in particular rival gang members and rival drug dealers.

c. Members and associates of the Enterprise sold narcotics, including cocaine base, marijuana, and MDMA, and worked together to protect and defend their exclusive right to control who sold narcotics in MMG territory.

d. Members and associates of the Enterprise obtained, possessed, and used firearms.

e. Members and associates of the Enterprise committed robberies of other individuals, including rival drug dealers, in and around the territory controlled by the Enterprise.

THE RACKETEERING CONSPIRACY

6. From at least in or about 2006, up to and including on or about the date of the filing of this Indictment, in the Southern District of New York and elsewhere, TEVIN MIZELL, a/k/a "Tev Gunz," KEVIN MIZELL, a/k/a "Kev Gunz," EDWIN SMITH, a/k/a "Ed Black," JOSHUA FLADGER, a/k/a "Millz," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," KAYMAR FRANCIS, a/k/a "Kayo," JOSEPH HUNTLEY, a/k/a "Goonie," ODANIS OZUNA, a/k/a "Jose Ozoria," a/k/a "O," JAMES ANDERSON, MARK GRAYSON, a/k/a "Biscuit," MICHAEL JAMES, MALIK MCCOLLUM, a/k/a "Dot," ROBERT WANNAMAKER, EDWARD BINYARD, a/k/a "E," a/k/a "E-Wreck," TAYVON KILPATRICK, a/k/a "Trayvon Wilson," NICHOLAS ROSARIO, a/k/a "Nico Gunz," the defendants, and others known and unknown, being persons employed by and associated with the enterprise described in paragraphs 1 through 5 of Count One of this Indictment, to wit, MMG, knowingly combined, conspired, confederated, and agreed together and with each other to violate the racketeering laws of the United States, to wit, Section 1962(c) of Title 18, United States Code, that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the MMG enterprise, which was engaged in, and the

activities of which affected, interstate and foreign commerce, through a pattern of racketeering activity consisting of:

a. multiple acts involving murder, in violation of New York Penal Law, Sections 20.00, 105.15, 110.00 and 125.25;

b. multiple acts involving robbery, in violation of New York Penal Law, Sections 20.00, 105.10, 110.00, 160.05, and 160.10;

c. multiple acts indictable under Title 18, United States Code, Sections 1951 and 2 (Hobbs Act robbery); and

d. multiple acts involving the distribution of controlled substances, including 280 grams and more of crack cocaine, marijuana, and MDMA, in violation of laws of the United States, namely Title 21, United States, Code, Sections 812, 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), and 846, and Title 18, United States Code, Section 2.

7. It was a part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

(Title 18, United States Code, Section 1962(d).)

COUNT TWO

NARCOTICS CONSPIRACY

The Grand Jury further charges:

8. From at least in or about 2006, up to and including on or about the date of the filing of this Indictment, in the Southern District of New York and elsewhere, EDWIN SMITH, a/k/a "Ed Black," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," and KAYMAR FRANCIS, a/k/a "Kayo," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

9. It was a part and an object of the conspiracy that EDWIN SMITH, a/k/a "Ed Black," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," and KAYMAR FRANCIS, a/k/a "Kayo," the defendants, and others known and unknown, would and did distribute and possess with intent to

distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

10. The controlled substances that RICHARD SHACKLEFORD, a/k/a "Sha," RONATHAN FLADGER, a/k/a "Jeezy," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," and TYRE DAVIS, a/k/a "Tye," the defendants, conspired to distribute and possess with the intent to distribute were: (1) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A); (2) 50 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (3) mixtures and substances containing 3-4-Methylenedioxymeth-amphetamine (MDMA), in violation of Title 21, United States Code, Section 841(b)(1)(C).

11. The controlled substances that EDWIN SMITH, a/k/a "Ed Black," AMAR TAYLOR, a/k/a "Capo MMG," NOEL BIDO, a/k/a "Bigga," and KAYMAR FRANCIS, a/k/a "Kayo," the defendants, conspired to distribute and possess with the intent to distribute were: (1) 50 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(C); (2) mixtures and substances

containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(C); and (3) mixtures and substances containing 3-4-Methylenedioxymeth-amphetamine (MDMA), in violation of Title 21, United States Code, Section 841(b)(1)(C).

Overt Acts

12. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 18, 2011, EDWIN SMITH, a/k/a "Ed Black," possessed marijuana, drug paraphernalia, shotgun ammunition and handgun ammunition in the vicinity of 674 East 149th Street, Bronx, New York.

b. On or about October 27, 2010, RICHARD SHACKLEFORD, a/k/a "Sha," possessed a firearm in the vicinity of 665 Westchester Avenue, Bronx, New York.

c. On or about September 5, 2013, AMAR TAYLOR, a/k/a "Capo MMG," sold marijuana to an undercover police officer in the vicinity of 525 Jackson Avenue, Bronx, New York.

d. On or about January 23, 2010, RONATHAN FLADGER, a/k/a "Jeezy," possessed "crack" cocaine in the vicinity of 527 East 148th Street, Bronx, New York.

e. On or about January 10, 2012, NOEL BIDO, a/k/a "Bigga," sold marijuana to an undercover police officer in the vicinity of 674 East 149th Street, Bronx, New York.

f. On or about December 8, 2011, HENNISON CURRY, a/k/a "Henny," possessed marijuana, "crack" cocaine, a handgun, and a sawed-off shotgun in the vicinity of 480 Concord Avenue, Bronx, New York.

g. On or about May 6, 2011, JOSEPH OTERO, a/k/a "Triple-H," possessed marijuana and "crack" cocaine in the vicinity of 584 Union Avenue, Bronx, New York.

h. On or about May 24, 2012, SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," sold a quantity of "crack" cocaine to an undercover police officer in the vicinity 730 East 149th Street, Bronx, New York.

i. On or about October 12, 2012, DEQUAN BROWN, a/k/a "Dada," possessed "crack" cocaine in the vicinity of 525 Jackson Avenue, Bronx, New York.

j. On or about October 2, 2013, TYRE DAVIS, a/k/a "Tye," possessed "crack" cocaine in the vicinity of 480 Concord Avenue, Bronx, New York.

k. On or about May 6, 2010, KAYMAR FRANCIS, a/k/a "Kayo," possessed marijuana, scales, packaging materials and ammunition in the vicinity of 525 Jackson Avenue, Bronx, New York.

(Title 21, United States Code, Section 846.)

FIREARMS OFFENSES

COUNT THREE

The Grand Jury further charges:

13. From at least in or about 2001 up to and including in or about June 2013, in the Southern District of New York and elsewhere, TEVIN MIZELL, a/k/a "Tev Gunz," KEVIN MIZELL, a/k/a "Kev Gunz," EDWIN SMITH, a/k/a "Ed Black," JOSHUA FLADGER, a/k/a "Millz," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," JOSEPH HUNTLEY, a/k/a "Goonie," ODANIS OZUNA, a/k/a "Jose Ozoria," a/k/a "O," MICHAEL JAMES, ROBERT WANNAMAKER, EDWARD BINYARD, a/k/a "E," a/k/a "E-Wreck," TAYVON KILPATRICK, a/k/a "Trayvon Wilson," NICHOLAS ROSARIO, a/k/a "Nico Gunz," the defendants, the defendants, during and in relation to a crime of violence and a drug trafficking crime and for which they may be prosecuted in a court of the United States, namely, the racketeering conspiracy charged in Count One of this Indictment and the narcotics conspiracy charged in Count Two of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and

abet the use, carrying, and possession of firearms, some of which firearms were discharged.

(Title 18, United States Code, Sections
924(c)(1)(A)(iii) and 2.)

FORFEITURE ALLEGATION

(Count One: RICO Offense)

14. The allegations contained in Count One of this Indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, Section 1963 in the event of the defendant's conviction under Count One of this Indictment.

15. TEVIN MIZELL, a/k/a "Tev Gunz," KEVIN MIZELL, a/k/a "Kev Gunz," EDWIN SMITH, a/k/a "Ed Black," JOSHUA FLADGER, a/k/a "Millz," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," KAYMAR FRANCIS, a/k/a "Kayo," Joseph Huntley, a/k/a "Goonie," ODANIS OZUNA, a/k/a

"Jose Ozoria," a/k/a "O," JAMES ANDERSON, MARK GRAYSON, a/k/a "Biscuit," MICHAEL JAMES, MALIK MCCOLLUM, a/k/a "Dot," ROBERT WANNAMAKER, EDWARD BINYARD, a/k/a "E," a/k/a "E-Wreck," TAYVON KILPATRICK, a/k/a "Trayvon Wilson," NICHOLAS ROSARIO, a/k/a "Nico Gunz," the defendants:

a. have acquired and maintained interests in violation of Title 18, United States Code, Section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1);

b. have an interest in, security of, claim against, and property and contractual rights which afford a source of influence over the enterprise named and described herein which the defendant established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and/or

c. have property constituting and derived from proceeds obtained, directly and indirectly, from the aforesaid racketeering activity, in violation of Title 18, United States Code, Section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

16. The interests of the defendants subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a) include the amount of gross proceeds received by the defendant derived from racketeering activities as alleged in Count One of this Indictment.

17. The above-named defendants, and each of them, are jointly and severally liable for the forfeiture obligations as alleged above.

Substitute Assets Provision

18. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 981, 18 U.S.C. § 1963(m), and 28 U.S.C. § 2461, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 1963.)

FORFEITURE ALLEGATION

(Count Two: Narcotics Conspiracy)

19. As a result of committing the controlled substance offense alleged in Count Two of this Indictment, EDWIN SMITH, a/k/a "Ed Black," RICHARD SHACKLEFORD, a/k/a "Sha," AMAR TAYLOR, a/k/a "Capo MMG," RONATHAN FLADGER, a/k/a "Jeezy," NOEL BIDO, a/k/a "Bigga," HENNISON CURRY, a/k/a "Henny," JOSEPH OTERO, a/k/a "Triple-H," SHAWN ARNOLD MCFADDEN, a/k/a "Weezy," DEQUAN BROWN, a/k/a "Dada," TYRE DAVIS, a/k/a "Tye," and KAYMAR FRANCIS, a/k/a "Kayo," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendants obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count Two of this Indictment, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of one or more of the offense.

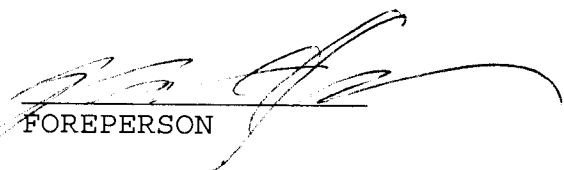
Substitute Assets Provision

20. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 981, 21 U.S.C. § 853(p), and 28 U.S.C. § 2461, to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 1951;
Title 28, United States Code, Section 2461; and
Title 21, United States Code, Sections 841(a)(1) and 853.)



FOREPERSON



PREET BHARARA *mb/gmc*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

TEVIN MIZELL, et al.,

Defendants.

SUPERSEDING INDICTMENT

14 Cr. ____ ()

(18 U.S.C. §§ 2, 924(c), 1962(d), and
21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), & 846.)

PREET BHARARA

United States Attorney.


Foreperson

5/27/14 - Filed Superseding Indictment

Arrest warrants Filed

Judge Ketner

